

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CHARMAR BROWN,

Defendant.

CASE NO. 8:05CR161

ORDER

This matter is before the Court on the government's motion for reconsideration (Filing No. 22) of the previously filed Memorandum and Order (Filing No. 20) granting the Defendant's motion to suppress. The Court has considered the supporting brief.

The Court granted the Defendant's motion to suppress because the Defendant did not knowingly or voluntarily consent to the search of the vehicle in question. The government argues that because blood was observed in the vehicle in question a reason existed to search the vehicle and it was unnecessary to obtain the Defendant's consent to search. However, although the parties have litigated this motion to suppress through prehearing briefs, argument after the evidentiary hearing, and objections to the Magistrate Judge's Report and Recommendation, the motion to reconsider is the first time that either party has raised an issue beyond the voluntariness of the consent to search. (Filing Nos. 9, 10, 12, 16, 18, 19.) Therefore, the motion to reconsider will be denied.

IT IS ORDERED that the government's motion for reconsideration (Filing No. 22) is denied.

DATED this 29th day of November, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge